

**HOME SCHOOL AND EXTRA CURRICULAR
ACTIVITIES AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill modifies procedures for exempting minors who are home schooled from attendance at a public or private school and addresses private school and home school students' eligibility to participate in extracurricular activities.

Highlighted Provisions:

This bill:

- requires a local school board to issue a certificate excusing a minor from attendance within 30 days of receipt of a signed affidavit stating that the minor will attend a home school;
- provides that a minor who is enrolled in a private school or a home school shall be eligible to participate in extracurricular activities at a public school;
- provides that, with certain exceptions, a private school or a home school student may only participate in extracurricular activities at the public school within whose boundaries the student's custodial parent or legal guardian resides or a public school from which the student withdrew; and
- provides that, with certain exceptions, private school students and home school students shall be eligible for extracurricular activities at a public school consistent with eligibility standards for fully enrolled public school students.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-102, as last amended by Laws of Utah 2007, Chapter 81

32 **53A-11-102.5**, as last amended by Laws of Utah 2007, Chapter 81

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **53A-11-102** is amended to read:

36 **53A-11-102. Minors exempt from school attendance.**

37 (1) (a) A school-age minor may be excused from attendance by the local board of
38 education and a parent exempted from application of Subsections 53A-11-101.5(2), (5), and (6)
39 for any of the following reasons:

40 (i) a minor over age 16 may receive a partial release from school to enter employment,
41 or attend a trade school, if the minor has completed the eighth grade; or

42 (ii) on an annual basis, a minor may receive a full release from attending a public,
43 regularly established private, or part-time school or class if:

44 (A) the minor has already completed the work required for graduation from high
45 school, or has demonstrated mastery of required skills and competencies in accordance with
46 Subsection 53A-15-102(1);

47 (B) the minor is in a physical or mental condition, certified by a competent physician if
48 required by the district board, which renders attendance inexpedient and impracticable;

49 (C) proper influences and adequate opportunities for education are provided in
50 connection with the minor's employment; or

51 (D) the district superintendent has determined that a minor over the age of 16 is unable
52 to profit from attendance at school because of inability or a continuing negative attitude toward
53 school regulations and discipline.

54 (b) Minors receiving a partial release from school under Subsection (1)(a)(i) are
55 required to attend:

56 (i) school part-time as prescribed by the local school board; or

57 (ii) a home school part-time.

58 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)
59 must be sufficient to satisfy the local board.

60 (2) (a) On an annual basis, a school-age minor shall be excused from attendance by a
61 local board of education and a parent exempted from application of Subsections
62 53A-11-101.5(2), (5), and (6), if the minor's parent files a signed affidavit with the minor's

school district of residence, as defined in Section 53A-2-201, stating that the minor will attend a home school and receive instruction as required by Subsection (2)(b).

(b) Each minor who attends a home school shall receive instruction:

(i) in the subjects the State Board of Education requires to be taught in public schools in accordance with the law; and

(ii) for the same length of time as minors are required by law to receive instruction in public schools, as provided by rules of the State Board of Education.

(c) Subject to the requirements of Subsection (2)(b), a parent of a minor who attends a home school is solely responsible for:

(i) the selection of instructional materials and textbooks;

(ii) the time, place, and method of instruction, and

(iii) the evaluation of the home school instruction.

(d) A local school board may not:

(i) require a parent of a minor who attends a home school to maintain records of instruction or attendance;

(ii) require credentials for individuals providing home school instruction;

(iii) inspect home school facilities; or

(iv) require standardized or other testing of home school students.

(3) (a) Boards excusing minors from attendance as provided by Subsections (1) and (2) shall issue a certificate stating that the minor is excused from attendance during the time specified on the certificate.

(b) A local school board shall issue a certificate excusing a minor from attendance within 30 days after receipt of a signed affidavit filed by the minor's parent pursuant to Subsection (2).

(4) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent or guardian of a minor attending a home school.

Section 2. Section **53A-11-102.5** is amended to read:

53A-11-102.5. Dual enrollment.

(1) "District school" means a public school under the control of a local board of education elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and

94 Local School Boards.

95 ~~[(1)]~~ (2) A person having control of a minor under this part who is enrolled in a
96 regularly established private school or a home school may also enroll the minor in a public
97 school for dual enrollment purposes.

98 ~~[(2)]~~ (3) The minor may participate in any academic activity in the public school
99 available to students in the minor's grade or age group, subject to compliance with the same
100 rules and requirements that apply to a full-time student's participation in the activity.

101 ~~[(3) Except as otherwise provided in Sections 53A-11-101.5 and 53A-11-102, a]~~

102 (4) A student enrolled in a public school may also be enrolled in a private school or a
103 home school for dual enrollment purposes.

104 ~~[(4)]~~ (5) (a) A student enrolled in a dual enrollment program in a district school is
105 considered a student of the district in which the ~~[public]~~ district school of attendance is located
106 for purposes of state funding to the extent of the student's participation in the ~~[public]~~ district
107 school programs.

108 (b) A student enrolled in a dual enrollment program in a charter school is considered a
109 student of the charter school for purposes of state funding to the extent of the student's
110 participation in the charter school programs.

111 ~~[(5)]~~ (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
112 Act, the State Board of Education shall make rules for purposes of dual enrollment to govern
113 and regulate the transferability of credits toward graduation that are earned in a private or home
114 school.

115 ~~[(6) The State Board of Education shall determine the policies and procedures~~
116 ~~necessary to permit students enrolled under Subsection (1) to participate in public school~~
117 ~~extracurricular activities.]~~

118 (7) (a) A minor who is enrolled in a private school or a home school shall be eligible to
119 participate in extracurricular activities at a public school as provided in this Subsection (7).

120 (b) A private school student may only participate in extracurricular activities at a public
121 school that are not offered by the student's private school.

122 (c) Except as provided in Subsection (7)(d), a private school student or a home school
123 student may only participate in extracurricular activities at:

124 (i) the school within whose attendance boundaries the student's custodial parent or

125 legal guardian resides; or

126 (ii) the school from which the student withdrew for the purpose of attending a private
127 or home school.

128 (d) A school other than a school described in Subsection (7)(c)(i) or (ii) may allow a
129 private school student or a home school student to participate in extracurricular activities other
130 than:

131 (i) interschool competitions of athletic teams sponsored and supported by a public
132 school; or

133 (ii) interschool contests or competitions for music, drama, or forensic groups or teams
134 sponsored and supported by a public school.

135 (e) (i) Private school students and home school students shall be eligible for
136 extracurricular activities at a public school consistent with eligibility standards as applied to
137 fully enrolled public school students, except as provided in Subsections (7)(f) through (h); and

138 (ii) a school district or public school may not impose additional requirements on
139 private school students or home school students to participate in extracurricular activities that
140 are not imposed on fully enrolled public school students.

141 (f) Eligibility requirements based on school attendance are not applicable to home
142 school students.

143 (g) To demonstrate a home school student's compliance with scholastic eligibility
144 requirements, the individual providing the primary instruction of a home school student shall
145 submit an affidavit that indicates:

146 (i) the student is mastering the material in each course or subject being taught; and

147 (ii) the student is maintaining satisfactory progress towards advancement or promotion.

148 (h) A public school student who has been declared to be academically ineligible to
149 participate in an extracurricular activity and who subsequently enrolls in a home school shall
150 lose eligibility for participation in the extracurricular activity until the student:

151 (i) demonstrates academic eligibility by providing test results or a portfolio of the
152 student's work;

153 (ii) returns to public school and reestablishes academic eligibility; or

154 (iii) enrolls in a private school and establishes academic eligibility.

155 (i) When selection to participate in an extracurricular activity at a public school is

156 made on a competitive basis, a private school student and a home school student shall be
157 eligible to try out for and participate in the activity as provided in this Subsection (7).

Legislative Review Note
as of 10-18-07 10:13 AM

Office of Legislative Research and General Counsel